

**IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRYAN J. PESTA,)	CASE NO. 1:23-CV-00546-DAP
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
v.)	
)	
LAURA BLOOMBERG, in her official)	MOTION FOR AN OVERSIZE BRIEF ON
and individual capacities; and)	REPLY
HARLAN M. SANDS, BENJAMIN)	
WARD, CHRISTOPHER MALLETT,)	
CONOR McLENNAN, and WENDY)	
REGOECZI, in their individual)	
capacities,)	
)	
Defendants.)	

Plaintiff Bryan Pesta ("Plaintiff") by and through undersigned counsel, respectfully requests the Court's leave to file an oversize reply brief of up to thirty-five pages.

Plaintiff's reply on summary judgment (DKT. 44) is due today at 4 pm. (Non-document Order of 9/10/24).

An oversize brief is necessary in light of the numerous references and assertions Defendants have made in their Opposition papers, which makes it necessary to review in detail the rather extensive administrative record herein. Notably, by raising such a large number of assertions, it is Defendants themselves who have necessitated the additional work, for "When presented with a claim that a faculty member was discharged in retaliation for exercising first amendment rights, a federal court does not sit simply to review administrative findings or to measure the procedural regularity of the process"... deference to the administrative record and factfinding is inappropriate." *Holley v. Seminole County School Dist.*, 755 F.2d 1492, 1502 (11th Cir. 1985) (citations and quotations omitted)

No previous requests for this relief has been made this request is not made for the purposes of delay.

Accordingly, Plaintiff respectfully requests that the court accept an oversize brief today; or that it extend him additional time to file a brief of only twenty pages; or for such other and different relief as the court deems just and proper.

Dated: Goshen, New York

September 16, 2024

Respectfully submitted,

/s/ Frederick C Kelly

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